

Mid Atlantic Coast: DRAFT table 1 of 2 May 19, 2000

POTENTIAL MANAGEMENT OPTIONS	LEGAL AUTHORITIES	INFORMATION NEEDS and /or INFORMATION AVAILABLE	R & D: ONGOING and R&D NEEDED	LIMITATIONS and CONSIDERATIONS				TIME-FRAME
				ECONOMIC IMPACTS ON SHIPPING INDUSTRY & PORT COMMUNITY	ENVIRONMENTAL IMPACTS	POTENTIAL BENEFITS to RIGHT WHALES	IMPLEMENTATION And OPERATING COSTS	
Develop an emergency rulemaking process to impose restrictions on vessels to route traffic around known right whale locations or to slow traffic to “slow safe speed” if a vessel is unable to divert around known right whale locations, in particular if a whales are sighted in designated shipping lanes. Require that engines be ready for maneuvering.	NMFS can develop emergency rulemaking regulations under MMPA/ESA. Should seek IMO approval. Within 24 nm NMFS should seek agreement with Coast Guard to issue an emergency rule under Coast Guard authorities.	No regular sighting information is available. To effectively manage in this area NMFS, in consultation with state agencies and the Navy (for the Chesapeake Bay approaches) must establish a survey program, focussed on port approaches. Part of this program could be aerial, and part could rely on an opportunistic sighting network of fishing vessels (charter, recreational and commercial) and commercial whale watching vessels (Delaware Bay and Chesapeake Bay).	None ongoing. Patterns of distribution of right whales appear to be very variable in these areas, making the design of any surveillance system difficult.	An economist specializing in inter-modal transportation can develop a per-ship estimate of the costs of diversions and /or speed restriction for in bound or outbound vessel. The gross impact for each port and an expected impact on a vessel could then be developed. Potential economic impacts include: (to be developed)	An environmental assessment should be conducted as part of the initial rulemaking process and in support of a proposal to IMO	Mother calf pairs and female whales are the most vulnerable and most critical for the survival of the species. Knowing where even a few of these animals are in their migrations and diverting traffic around and /or slowing traffic in the vicinity of these animals will reduce the risk of collision. Slowing vessels may allow sufficient time for both a whale and ship to avoid a strike	Aerial surveillance is expensive. Likewise a sighting network is expensive to develop and maintain. Information dissemination can rely on existing Coast Guard notice to mariners, but will require a dedicated individual to assemble. Cost estimates to develop and implement a coastwise surveillance and reporting system should be developed. To issue an emergency rule, a consultative process with industry, scientists, state agencies and conservation groups should be established.	NMFS can develop emergency rulemaking regulations within 18 months. Economic and environmental impacts must be assessed as part of the initial rulemaking process. A proposal to IMO would take two years. Money to support an expanded surveillance system would have to be appropriated, and then a spend plan developed. This could take several years.

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If surveillance is not possible or determined to be ineffective, blanket speed restrictions (13 knots of less) for inbound/outbound traffic AND a requirement that vessels stay 30 miles off shore (in waters over 20 fathoms) when transiting north-south, should be in place from November 15 to April 30.	To keep vessels offshore, the mid-Atlantic coast could be designated a seasonal Area to be Avoided by IMO. Port approaches would be designated as Recommended Routes by IMO. The U.S would petition IMO to establish blanket speed restrictions outside 24 nm. The Coast Guard may have authority to establish a regulated navigation area to 24 nm.	A NEAq satellite tagging study found that right whales probably move fairly quickly through these areas enroute to the calving or feeding ground. This has been evidenced by satellite tag tracks of two females with calves that migrated from the calving ground to Cape Cod directly within in waters less than 20 fathoms and within 30 miles from shore A better understanding of the timing and nature of migration in the vicinity of port approaches, through surveillance is necessary.	Minimal R&D are needed to direct traffic to designated traffic lanes. Whale behavior around ships, in particular of mother calf pairs is unknown. NEAq and NMFS are studying. Additional information is needed on right whale/vessel interactions as a function of speed, vessel type and in depth restricted waters (e.g. the shipping lanes). Computer simulation models are being developed.	An economic study with specialists in inter-modal transportation can develop a per-ship estimate of the cost of staying offshore and slowing to a maximum safe speed. The gross impact for each port and an expected impact on a vessel could then be developed. Because of the number of vessels and geographic extent, aggregate costs may be large and may lead shifts to other modes.	An environmental assessment should be conducted as part of the rulemaking process and in support of a proposal to IMO.	The value of slowing a vessel down to avoid and or minimize impact is uncertain when it is not known that right whales are present. Minimizing travel distances within 30 miles of the coast should reduce right whale-ship interactions.	Designation of areas to be avoided or restricted speed regulated navigation areas would require charting and notification in Coast Pilot and other nautical publications. This could be self-enforcing, and can be checked by the Coast Guard during their routine port state control boardings.	Information needs on whale migrations through port approaches, R&D on whale behavior around ships and the physics of a ship-strike, and the economic impact analysis will take several years to complete, if funding is available. On completion and acceptance of the studies' findings, the proposals would take approximately two years to develop and be approved by IMO. The U.S. would then have at least six months to implement.